

EXHIBIT 9

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CRIMINAL DIVISION**

FILED
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IRIS Y. MARTINEZ
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COOK COUNTY, IL
09CR0642201
Brosnahan, Mary Margaret
19899100

ALLEN ROBINSON,

Petitioner,

v.

STATE OF ILLINOIS,

Respondent.

No. 09 CR 06422

EXHIBIT M

Robinson 001229

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1 STATE OF ILLINOIS)
) SS:
2 COUNTY OF C O O K)

3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
4 COUNTY DEPARTMENT - CRIMINAL DIVISION

5 THE PEOPLE OF THE STATE)
6 OF ILLINOIS,)
)
7 Plaintiff,)
)
8 v.) No. 09 CR 06422-01
)
9 ALLEN ROBINSON,)
)
10 Defendant.)

11 REPORT OF PROCEEDINGS had at the hearing
12 in the above-entitled cause, before the HONORABLE
13 MARY M. BROSNAHAN, one of the Judges of said
14 Division, on the April 28, 2022.

15
16 PRESENT:

17 HONORABLE KIMBERLY M. FOXX,
18 State's Attorney of Cook County, by:
19 MS. LINDA WALLS,
20 Assistant State's Attorney,
 appeared for the People;

21 MS. JODI GARVEY and MR. PATRICK BLEGEN,
22 PRIVATE ATTORNEYS,
 appeared on behalf of Defendant.

23 CATRICE M. PRINCE, CSR No. 084-003765
24 Official Court Reporter

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I N D E X

People v. Allen Robinson
Case No: 09 CR 06422-01
Date of Hearing: April 28, 2022
Pages: 1-53
Court Reporter: Catrice Prince, CSR

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1 THE COURT: All right. We are on the record with
2 People versus Allen Robinson. Good afternoon to you,
3 sir.

4 THE DEFENDANT: Good afternoon.

5 THE COURT: We've got Mr. Allen Robinson in
6 custody in the open courtroom, and he's here from the
7 Illinois Department of Corrections.

8 On behalf of the defendant, can I get your
9 names, plural, for the record, Counsels?

10 MR. GARVEY: Jodi Garvey and Patrick Blegen.

11 THE COURT: All right. Thank you. And I know
12 with respect to COVID, I'll tell you what the rules are
13 and then you can do whatever you're comfortable with.
14 If you are speaking in court and you want to remove
15 your mask, you can absolutely do that. It's up to you.
16 All right.

17 Counsel for the State.

18 MS. WALLS: Linda Walls, W-A-L-L-S.

19 THE COURT: We are here today to proceed on the
20 counsels' petition for post-conviction relief and an
21 evidentiary hearing. Both sides are answering ready,
22 is that correct?

23 MR. BLEGEN: Yes.

24 MS. WALLS: Yes.

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1 THE COURT: Are there any opening remarks that
2 either side wishes to make?

3 MR. BLEGEN: Just briefly, I won't repeat
4 everything that's in the petition. I know you are
5 familiar with the petition. I think the primary focus
6 of what you are going to hear about today is the
7 third-party confession letter that did not get admitted
8 into court into evidence at the trial -- excuse me --
9 as well as you are going to hear evidence of the
10 Lamarius Robinson, another individual having confessed,
11 two other individuals and then alibi presented by
12 Mr. Allen Robinson's mother, none of which was
13 presented at the original trial, all of which you will
14 hear that which information was given to the lawyer.

15 None of it came out except for the fact of
16 the confession letter by Lamarius Robinson was
17 discussed in court but was not presented to the jury,
18 all of which represents ineffective assistance of
19 counsel that likely would have resulted in a different
20 verdict.

21 THE COURT: All right. Counsel for the State.

22 MS. WALLS: Judge, I will waive.

23 THE COURT: You may proceed with your evidence.

24 MR. BLEGEN: And, Judge, I am going to show

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1 various witnesses some documents along the way that are
2 part of the petition and two supplements to the
3 petition. The State has agreed that all of the
4 exhibits to the petition are admissible and should be
5 admitted for purposes of this hearing just so the
6 record can be cleaner that way we won't have multiple
7 documents floating around essentially.

8 THE COURT: Just when you say "supplements," are
9 those exhibits that I have?

10 MR. BLEGEN: So you have filed a supplement, it's
11 called Exhibits L and M to the petition. It was filed
12 February 26th of 2015, and then there's a supplement
13 petition for post-conviction relief filed
14 January 11, 2018. The main purpose of the second page
15 is that just references, it does have the DNA results
16 of the third-party confession.

17 THE COURT: Before you grab your witness, let me
18 get the full file. I do have, of course, your original
19 post-conviction. I want to make certain that I've got
20 the 2/26/15 and 1/11/18 18 filing.

21 MR. BLEGEN: Thank you.

22 THE COURT: All right. Counsel, I do have the
23 supplement from 2018 that was filed. I would ask, do
24 you happen to have a copy of the 2/26/15 filing?

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1 MR. BLEGEN: I do, Judge. Frankly, that's not
2 going to get referenced today, but I am happy to give
3 you a copy.

4 THE COURT: Let me just have it for my court file.
5 Can you pass it through the clerk. Ms. Clerk, can I
6 ask you to make a copy for us? Do you need a copy,
7 State, or you've got everything you need?

8 MS. WALLS: No, I have everything digitally,
9 Judge.

10 THE COURT: Whenever you are ready, you can
11 proceed.

12 MR. BLEGEN: Sure. Judge, Petitioner will call
13 Jeneé Moreland.

14 THE COURT: Good afternoon to you, ma'am. Can you
15 please raise your right hand for me.

16 (WHEREUPON, the witness was duly
17 sworn.)

18 THE COURT: Thank you, ma'am. You can take a
19 seat. If you are more comfortable, you are behind
20 Plexiglass. If you want to pull your mask down or take
21 it off while you're testifying, you may do that, and
22 I'll turn the microphones on.

23 All right. Go ahead, sir.

24 MR. BLEGEN: Thank you.

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1 JENEE MORELAND,
2 called as a witness herein, having been first duly
3 sworn, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. BLEGEN:

6 Q. Ma'am, could you please tell us your name and
7 spell first and last name for the court reporter?

8 A. Jenee Moreland, J-E-N-E-E, M-O-R-E-L-A-N-D.

9 Q. And how old are you, ma'am?

10 A. 33.

11 Q. Where do you live generally?

12 A. Say it again.

13 Q. Where do you live generally speaking? We
14 don't need your exact address.

15 A. Chicago, Illinois.

16 Q. You have any children?

17 A. Yes, one.

18 Q. How many?

19 A. One.

20 Q. What do you do for a living?

21 A. I'm a special ed. assistant.

22 Q. And where do you work?

23 A. Oak Park River Forest High School.

24 THE COURT: Hold on one second. You work in Oak

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1 Park, and I couldn't hear you.

2 THE WITNESS: Oak Park River Forest High School.

3 BY MR. BLEGEN:

4 Q. Try to slow down a little bit while you are
5 speaking.

6 How long have you been a special education
7 assistant?

8 A. For about 11 years.

9 Q. What is your educational background?

10 A. Associates degree.

11 Q. Do you know the petitioner in this matter,
12 Allen Robinson?

13 A. Yes.

14 Q. Do you see him here in court today?

15 A. Yes.

16 Q. Can you point to him or tell us something he
17 is wearing?

18 A. He has a blue shirt on.

19 THE COURT: All right. The record will show an
20 in-court identification of Mr. Robinson.

21 BY MR. BLEGEN:

22 Q. How do you know Mr. Robinson?

23 A. He is the father of my daughter.

24 Q. Was there a point in time that you and

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1 Mr. Robinson were in a romantic relationship?

2 A. Yes.

3 Q. Can you tell us generally what time period
4 that encompassed?

5 A. On and off from December 15th of '02 to March
6 of '09.

7 Q. And you told us you have a child together?

8 A. Yes.

9 Q. When did your romantic relationship with
10 Mr. Robinson end?

11 A. March of '09.

12 Q. And why did it end?

13 A. Because I found out he had another child on
14 the way.

15 Q. And so since that time have you been in a
16 romantic relationship with Mr. Robinson?

17 A. No.

18 Q. Do you know a person by the name of Lamarius
19 Robinson?

20 A. Yes.

21 Q. Who is Lamarius?

22 A. He is Allen's cousin.

23 Q. How do you know Lamarius?

24 A. Through Allen.

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1 Q. You say through Allen?

2 A. Yes.

3 Q. How long of a period of time did you know
4 Lamarius?

5 A. I met Lamarius about '05.

6 Q. And when was the last time -- when did you
7 stop associating with him?

8 A. '08.

9 Q. So approximately three years you knew him?

10 A. Yes.

11 Q. Let me direct your attention to December 3rd
12 of 2008, sometime after 9:15 p.m., did you receive a
13 telephone call from Lamarius Robinson?

14 A. Yes.

15 Q. What did Mr. Robinson say to you or you say
16 to him during that call?

17 A. He asked me to pick him up off of Chicago
18 Avenue.

19 THE COURT: I am sorry, he asked you to pick him
20 up from where?

21 THE WITNESS: Chicago Avenue and Cicero.

22 BY MR. BLEGEN:

23 Q. Ma'am, I think if you speak a little more
24 slowly, everybody will have an easier time to

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1 understand what you're saying, okay.

2 Did you go and pick Lamarius up?

3 A. I did.

4 Q. And where did you pick him up approximately?

5 A. About Chicago Avenue and Cicero.

6 Q. And did you say anything to him or did he say
7 anything to you during that car ride?

8 A. Yes.

9 Q. What?

10 A. He was nervous. I asked him what was wrong
11 with him.

12 Q. Did he respond?

13 A. Yeah, he was talking in circles, then he told
14 me he had just killed someone.

15 Q. What was your response to him saying that?

16 A. I told him he had to get the F out of my car.

17 Q. Did you stop the car?

18 A. Yes, I pulled over.

19 Q. Where?

20 A. On Madison and Cicero.

21 Q. And then any specific location?

22 A. It was a gas station.

23 Q. And did Lamarius get out of the car?

24 A. He did.

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1 THE COURT: Did you say what was the address of
2 the gas station or the cross streets?

3 THE WITNESS: Madison and Cicero.

4 THE COURT: Thank you.

5 BY MR. BLEGEN:

6 Q. Did you tell anyone else about what Lamarius
7 had said to you?

8 A. I told Allen.

9 Q. Do you recall when you told Allen?

10 A. The next day when I spoke with him.

11 Q. During the time that you knew Lamarius
12 Robinson, did you become familiar with his handwriting?

13 A. Yes.

14 Q. How?

15 A. I saw him fill out a timecard before.

16 Q. Had you seen anything else that he had
17 written?

18 A. Yeah.

19 Q. Do you recall specifically what you saw?

20 A. I can't recall, no.

21 Q. Let me show you what is part of the report.

22 MR. BLEGEN: For the record that's Allen
23 Robinson's original petition Exhibit I.

24 Judge, can I approach the witness?

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1 THE COURT: You may, sir. You may have continuing
2 permission with your witness.

3 BY MR. BLEGEN:

4 Q. Ma'am, take a look at Exhibit I here. If you
5 need to see more pages, let me know.

6 A. That's it.

7 Q. And do you recognize whose handwriting that
8 is on Exhibit I?

9 A. Yes.

10 Q. Whose?

11 A. Lamarius Robinson's.

12 Q. You understand that Mr. Robinson went to
13 trial in the case we are here on now several years ago?

14 A. Yes.

15 Q. Were you ever -- prior to that trial were you
16 ever contacted by Mr. Robinson's lawyer about being a
17 witness?

18 A. No.

19 Q. Were you ever contacted by Mr. Robinson's
20 lawyer about anything else?

21 A. No.

22 Q. Had you been called as a witness at Allen
23 Robinson's original trial, would you have testified?

24 A. Yes.

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1 Q. Would you have testified consistently with
2 what you've testified to here today?

3 A. Yes.

4 MR. BLEGEN: That's all the questions, Judge.

5 EXAMINATION

6 BY THE COURT:

7 Q. Were you present at the trial at all?

8 A. Yes.

9 Q. How many days of the trial did you attend?

10 A. I remember --

11 Q. Did you attend all of the days of the trial?

12 A. Yes, I was there.

13 Q. Did you ever tell your attorney -- or tell
14 your Mr. Allen Robinson's attorney that you wanted to
15 testify? Was there any conversation at all?

16 A. No, it was no conversation.

17 Q. Did you ever tell him that you had
18 information that was important to the case and that you
19 knew Lamarius did it because he admitted it to you?
20 Did you ever pull him aside and tell him that?

21 A. No.

22 Q. Why?

23 A. I told Allen and that was it.

24 THE COURT: Any further questions, counsel or

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1 defense?

2 REDIRECT EXAMINATION

3 BY MR. BLEGEN:

4 Q. Did defense counsel ever approach you during
5 the trial?

6 A. No.

7 Q. Did you ever have any understanding as to why
8 you were not called as a witness?

9 A. I didn't understand it, but I didn't question
10 it.

11 MR. BLEGEN: That's all, Judge.

12 THE COURT: All right. Cross.

13 MS. WALLS: No cross, Judge.

14 THE COURT: All right. You may step down.

15 MR. BLEGEN: Judge, can I tell Ms. Moreland she is
16 free to leave if no one else has any other questions?

17 THE COURT: State, you have no use for Ms.
18 Moreland?

19 MS. WALLS: Yes, Judge.

20 THE COURT: You may release your witness.

21 MR. BLEGEN: Thank you.

22 Next, we are proceeding by way of
23 stipulation.

24 THE COURT: Okay.

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1 MR. GARVEY: The parties would stipulate that if
2 called to testify, Quentin Davis would testify that he
3 is 34 years old and currently resides at the Crossroads
4 Adult Transition Center in Chicago, Illinois.

5 Davis would further testify that he's
6 currently completing service at the custodial portion
7 of his sentence for second degree murder in the case of
8 People v. Davis, number 09 CR 16822 for which he was
9 sentenced to 30 years imprisonment.

10 Davis is currently enrolled in the work
11 release program at Crossroads.

12 Paragraph 2. Davis would testify that he has
13 a prior conviction for unlawful vehicular invasion from
14 2003 for which he was sentenced to seven years in the
15 custody IDOC.

16 3. Davis would testify that he grew up on
17 the west side of Chicago. Davis would further testify
18 that he's known both Allen Robinson and Lamarius
19 Robinson since they were all about five years old. He
20 has been very close with both of them, and it would be
21 hard to say which one he is closer to as they are both
22 like family to him.

23 4. Davis would further testify that on
24 December 3rd, 2008, at approximately 9:15 p.m., he was

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1 at his grandmother's house in the area of 15th Street
2 and Lawler in Chicago when he received a phone call
3 from Lamarius Robinson. Lamarius asked Davis to pick
4 him up at a gas station at Madison and Cicero.

5 THE COURT: May I stop you, 15th and what?

6 MR. GARVEY: Lawler.

7 THE COURT: Lawler, thank you. Go ahead. At a
8 gas station. Go ahead.

9 MR. GARVEY: 5. Davis would testify that he went
10 to the gas station with his then girlfriend in her car
11 and picked up Lamarius. They all drove back to Davis'
12 grandmother's house. Once Lamarius was in Davis'
13 girlfriend car, Lamarius seemed very upset. Davis
14 would testify that Lamarius showed Davis a chrome and
15 black .45 caliber handgun with the slide lock back,
16 meaning the gun was empty.

17 6. Davis would testify that once in the car,
18 Lamarius stated words to the effect of, Man, I just
19 fucked up. I tweaked. I ain't never did this shit
20 before. Davis would further testify that Lamarius
21 admitted he had just killed someone, and that's what he
22 meant when he said he had never did this shit before.

23 7. Davis would testify that Lamarius stated
24 that he was on Lawler Street when he saw 13, who Davis

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1 knows to be Christopher Hanford coming out of a house
2 or a gangway. Lamarius told Davis that he had tried
3 shooting someone else earlier but could not get him so
4 he shot 13 instead.

5 Davis would testify that Lamarius stated that
6 he ran up on 13 and shot him several times.

7 8. Davis --

8 THE COURT: Just slow down a smidgen. Give me one
9 second to catch up to you.

10 MS. WALLS: Judge, we have a copy to present to
11 the Court for the court file.

12 THE COURT: Okay. All right. I will take that.
13 Do you have a copy right now?

14 MR. GARVEY: I can give you this one.

15 THE COURT: Why don't you finish reading it. I
16 will still take notes.

17 MS. WALLS: I have it digitally too so I can give
18 you my signed copy.

19 THE COURT: Thank you.

20 MR. GARVEY: Paragraph 8. Judge?

21 THE COURT: Yes, ma'am. Go right ahead.

22 MR. GARVEY: Davis would further testify that
23 Lamarius told him that after the shooting he called
24 Jenee Moreland to pick him up, and then he called Davis

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1 to meet him at the gas station.

2 9. Davis would testify that after Lamarius
3 told Davis what he had done, Allen Robinson came to
4 Davis' grandmother's house. Allen and Lamarius began
5 to argue about the shooting of 13. Davis would testify
6 that the shooting happened in Allen's area around 16th
7 Street and that Allen was upset that he was going to
8 get blamed for the shooting.

9 Davis would testify that Allen yelled at
10 Lamarius that you ain't got to be over there. The
11 people over there think it's me. The argument became
12 so heated that Davis made them both leave his
13 grandmother's house.

14 10. Davis would testify that he was shown a
15 letter addressed to him at the Cook County Jail, which
16 he would identify as attached as affidavit Exhibit C to
17 Allen's post-conviction petition.

18 Davis would testify that it was written by
19 Lamarius, which he could tell from the handwriting, and
20 that it had Lamarius' name and address on the envelope.

21 Davis would testify that he is familiar with
22 the Lamarius' handwriting and signature from other
23 letters and from knowing him for so long.

24 11. Davis would testify that while he was in

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1 the Cook County Department of Corrections awaiting
2 retrial on his gun case, he began providing information
3 to and cooperating with the Cook County Sheriff's
4 Office within the jail.

5 12. Davis would further testify that he
6 provided information and cooperated in numerous
7 investigations both for the Cook County sheriff and the
8 Cook County State's Attorney's Office.

9 Davis testified at two trials on the State's
10 behalf. Davis also testified at a reliability hearing
11 before Judge Ursula Walowski was found to be credible
12 and reliable. So stipulated.

13 MS. WALLS: So stipulated.

14 THE COURT: And we did have an issues discussion
15 that I will go into a little bit further during the
16 course of the proceedings, but with respect to this
17 affidavit, it was related to me that Mr. Davis had also
18 provided a false affidavit on a different
19 post-conviction and that was information unknown to the
20 State at the time and unknown to Judge Walowski before
21 she made any finding of credibility or reliability, is
22 that correct?

23 MS. WALLS: In our investigation we did reveal an
24 affidavit from Quentin Davis in another case in another

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1 courtroom. Speaking with him in an interview on that,
2 he indicated that he, in fact, signed that and it was
3 not true and he takes responsibility for signing that
4 affidavit and not being true.

5 THE COURT: Okay. All right. Go ahead, Counsel.

6 MR. BLEGEN: Judge, we are going to call Latanya
7 Fleming who I will get.

8 THE COURT: Good afternoon, ma'am. Can you please
9 raise your right hand for me.

10 (WHEREUPON, the witness was duly
11 sworn.)

12 THE COURT: Thank you. Please take a seat. If
13 you are comfortable doing so, you can take your mask
14 off. You are behind a Plexiglass screen. While you
15 are testifying, I just ask if you can keep your voice
16 up if you could. Go ahead, sir.

17 LATANYA FLEMING,
18 called as a witness herein, having been first duly
19 sworn, was examined and testified as follows:

20 DIRECT EXAMINATION

21 BY MR. BLEGEN:

22 Q. Ma'am, could you please state your name and
23 spell your first and last name for the court reporter?

24 A. Latanya Fleming, L-A-T-A-N-Y-A,

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1 F-L-E-M-I-N-G.

2 Q. How old are you, Ms. Fleming?

3 A. 50.

4 Q. What do you do for a living?

5 A. I work for CPS and Home Depot.

6 Q. And how long have you had those two jobs
7 approximately?

8 A. About seven years.

9 Q. Do you have any children?

10 A. Yes.

11 Q. Who are your children?

12 A. You want their names?

13 Q. Sure.

14 A. Allen Robinson and Precious Robinson.

15 Q. And is Allen Robinson the petitioner in this
16 case here today?

17 A. I am sorry?

18 Q. Is Allen Robinson the petitioner in the case
19 you are here to testify about today?

20 A. Yes.

21 Q. Can you point to him and describe something
22 he is wearing?

23 THE COURT: You will stipulate to the ID, Counsel?

24 MS. WALLS: Yes.

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1 THE COURT: All right. That will be accepted.

2 MR. BLEGEN: Thank you, Judge.

3 THE WITNESS: The blue shirt on.

4 BY MR. BLEGEN:

5 Q. Ma'am, where do you live generally, meaning
6 what city do you live in?

7 A. Chicago.

8 Q. Let me direct your attention to December 3rd
9 of 2008. Do you recall where you were working at that
10 time?

11 A. Yes.

12 Q. Where?

13 A. Dominick's.

14 Q. Dominick's grocery store?

15 A. Yes, Dominick's grocery store.

16 Q. Were you working at a particular store?

17 A. Yes.

18 Q. Which one?

19 A. On Madison and Halsted.

20 Q. And do you recall what your schedule for work
21 was that day, December 3rd of 2008?

22 A. Yes.

23 Q. What was your schedule?

24 A. 2:30 to 9:00.

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1 Q. P.m.?

2 A. P.m., yes.

3 Q. How did you get to work that day?

4 A. My son Allen Robinson dropped me off.

5 THE COURT: I am sorry, could you say that again?
6 I couldn't hear you.

7 THE WITNESS: My son Allen Robinson dropped me off
8 to work.

9 BY MR. BLEGEN:

10 Q. And approximately what time did he drop you
11 off?

12 A. About 2:30 or 2:25.

13 Q. And what vehicle did he drop you off in?

14 A. In my car.

15 Q. Do you recall what kind of car you had at the
16 time?

17 A. Yes.

18 Q. What kind of car?

19 A. A red Monte Carlo.

20 Q. And how were you to get home from work?

21 A. Allen, my son, Allen Robinson was going to
22 pick me up.

23 Q. What time was he supposed to come pick you
24 up?

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1 A. 9:00 o'clock.

2 Q. And did Allen drop you off at approximately
3 2:25 on that day?

4 A. Yes.

5 Q. And did he come to pick you up at the end of
6 your shift?

7 A. Yes.

8 Q. Tell us what happened.

9 A. Well, I was scheduled to get off at 9:00, but
10 I had to stay because my manager needed me to stay, and
11 I stayed till like 10:30.

12 Q. When did you next see Allen after he dropped
13 you off at approximately 2:25 in the afternoon?

14 A. When he came to pick me up.

15 Q. What time was that?

16 A. At 9:00 o'clock.

17 Q. And did the two of you have an interaction?

18 A. Yes.

19 Q. What did you say to him and what did he say
20 to you?

21 A. When he came into the store and I told him I
22 had to end up staying till like later 10:30.

23 Q. And did you tell him to do anything?

24 A. Yes.

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1 Q. What did you tell him to do?

2 A. I asked him to just wait in the car.

3 Q. Wait in the car where?

4 A. Wait in the parking lot.

5 Q. And I take it did you work until your shift
6 ended at 10:30?

7 A. Yes.

8 Q. Where was Allen when your shift ended?

9 A. In the car.

10 Q. In the parking lot?

11 A. In the parking lot.

12 Q. In the Dominick's parking lot?

13 A. Yes.

14 Q. After you learned that Allen was charged with
15 a crime that occurred on December 3rd of 2008, did you
16 do anything related to your work records?

17 A. Yes.

18 Q. What did you do?

19 A. I asked my manager to printout my schedule.

20 Q. And why did you do that?

21 A. Because it's something I needed.

22 Q. Related to Allen's case?

23 A. Yes.

24 Q. Let me show you what's part of Allen's

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1 post-conviction petition, Exhibit D and see if you
2 recognize these documents. Do you recognize Exhibit D,
3 your affidavit?

4 A. Yes.

5 Q. And the next page of Exhibit D, do you
6 recognize that document?

7 A. Yes.

8 Q. Okay. What is it?

9 A. That's the timesheet.

10 Q. All right. And is that the timesheet that
11 your manager printed out for you?

12 A. Yes.

13 Q. Does the timesheet indicate on it when it was
14 printed out?

15 A. Yes.

16 Q. And when was it printed out?

17 A. March 30th, 2009.

18 Q. And is that noted in the upper left corner of
19 that of the first page of the timecard report?

20 A. Yes.

21 Q. And does the timecard report indicate your
22 work schedule, the hours you actually worked on that
23 day?

24 A. Yes.

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1 Q. And do you see a reference a little bit it's
2 marked out but it's in the center and it's 12/03/08?

3 A. Yes.

4 Q. Do you see that? And when does it indicate
5 you started working on that day?

6 A. 2:30.

7 Q. Does it actually say -- is it in military
8 time on the timesheet?

9 A. Yes.

10 Q. So it says 14:30?

11 A. Yes.

12 Q. So it's got REG, do you know what stands for?

13 A. Regular schedule.

14 Q. And then the next one --

15 THE COURT: Hold on one second. REG, regular
16 schedule.

17 THE WITNESS: Yes.

18 THE COURT: Thank you.

19 BY MR. BLEGEN:

20 Q. The next line down says BRK?

21 A. Yes.

22 Q. What does that mean?

23 A. Break.

24 Q. So does that mean you were on break at

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1 certain times?

2 A. Yes.

3 Q. And at the bottom when does it indicate that
4 your shift ended that day?

5 A. 10:12 -- I am sorry, 10:30.

6 Q. But is it in military time as 22:30?

7 A. Yes.

8 Q. The third page of exhibits behind your
9 affidavit, do you recognize the third page of exhibits?

10 A. Yes.

11 Q. Is that a document entitled Weekly Work
12 Schedule?

13 A. Yes.

14 Q. What is that document?

15 A. That's the schedule that's printed out
16 weekly.

17 Q. And is that the schedule that you were
18 supposed to work on December 3rd of 2008?

19 A. Yes.

20 Q. Who printed this document for you, do you
21 recall?

22 A. Yes, my manager.

23 Q. And do you recall whether your manager
24 printed it at the same time as the other document was

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1 printed?

2 A. Yes.

3 Q. So you think it was also printed on
4 March 30th of 2009?

5 A. Yes.

6 Q. And you can see here that there is a
7 reference to December 3rd of 2008?

8 A. Yes.

9 Q. Do you see that? And then do you see your
10 name about halfway down the sheet?

11 A. Yes.

12 Q. When does it indicate that your hours were
13 supposed to be on that day?

14 A. 2:30 to 9:00 p.m.

15 Q. And that was the schedule that got amended
16 when your manager asked you to stay late that day?

17 A. Yes.

18 Q. Did you have interactions with Allen's lawyer
19 leading up to his trial in this case?

20 A. Yes.

21 Q. How many times do you think you spoke to the
22 lawyer?

23 A. I don't recall.

24 Q. More than once?

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1 A. Yes, more than once.

2 Q. More than five times?

3 A. More than five.

4 Q. Did you present these records from your work
5 to Allen's lawyer?

6 A. Yes, I did.

7 Q. Prior to Allen's trial?

8 A. Yes.

9 Q. Did you discuss with the lawyer prior to
10 trial your statements about Allen coming to pick you up
11 at work and you having to stay later, et cetera?

12 A. Yes.

13 Q. What you just told us here today?

14 A. I brought it up to him.

15 Q. Do you recall what his response was?

16 A. That he was just -- I just gave it to him,
17 and he was going to submit it, you know, into his, you
18 know.

19 THE COURT: I am sorry, you gave it to him and
20 then --

21 THE WITNESS: Just gave it to him, that's it, yes.

22 THE COURT: About submitting, I missed that.

23 BY MR. BLEGEN:

24 Q. He was going to submit it did you say?

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1 A. Well, me just giving it to him so he was
2 taking a look at the documents. You know, I presented
3 it to him.

4 Q. Do you recall if he said anything specific to
5 you about what he was going to do with them?

6 A. No.

7 Q. Do you have any understanding as to why you
8 were not called at Allen Robinson's trial?

9 A. No.

10 Q. Were you present during the trial?

11 A. Yes.

12 Q. Did you have discussions with the lawyer
13 during the trial?

14 A. As to?

15 Q. Did he discuss with you why you weren't being
16 called?

17 A. No.

18 Q. Let me show you what's attached to Allen
19 Robinson's petition as Exhibit J. I will just take it
20 up. You can look through the couple of pages and just
21 let me know if you recognize this exhibit.

22 A. Yes.

23 Q. And what is it?

24 A. A letter from Lamarius Robinson.

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1 Q. And is this a letter from Lamarius that you
2 received sometime after the trial was over?

3 A. Yes.

4 Q. Okay. And is the letter essentially ask you
5 to forward this letter to Allen Robinson?

6 A. Yes.

7 Q. If you had been called to testify at Allen's
8 original trial, would you have testified consistently
9 with what you said here today?

10 A. Yes.

11 MR. BLEGEN: Can I have just have a moment, Judge?

12 THE COURT: Sure.

13 MR. BLEGEN: That's all the questions we have.

14 THE COURT: Any cross?

15 MS. WALLS: No, Judge.

16 THE COURT: All right. You may step down, ma'am.
17 Thank you. Give me one second.

18 MR. BLEGEN: Judge, any issue with Mr. Robinson's
19 mother remaining in the courtroom while the hearing
20 proceedings?

21 THE COURT: State, do you have any objection on
22 the motion to exclude or are you all right with the
23 defendant's mom staying in the courtroom?

24 MS. WALLS: No objections.

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1 THE COURT: All right. She may remain in the
2 courtroom.

3 MR. BLEGEN: Thank you, Judge.

4 THE COURT: I have a question for the parties
5 because I can't recall and you've reviewed the record
6 of the trial more recently than the Court has. I
7 generally, although I can't say I do it in every case,
8 but I generally go through the answer to discovery
9 that's on file, be it, you know, if it's beyond a
10 reasonable doubt, and I have a colloquy with the
11 defendant to make certain there is no alibi defense
12 they want to file or any other defense, and I view
13 those to witnesses.

14 Do either of you have a recollection, State
15 or Defense, as to whether that colloquy was in the
16 record of the trial proceedings?

17 MR. GARVEY: Not to my recollection.

18 MS. WALLS: No, Judge. The only note that I have
19 was from the CLR, which was the actual answer that was
20 filed but nothing indicating that you spoke with the
21 defendant.

22 THE COURT: But the review -- sometimes I don't
23 put it in my notes but reviewing the record, nobody saw
24 that. It may not have happened in this case, but I

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1 generally attempt to do that so I just wanted to know
2 if you had come across it.

3 All right. Anything further?

4 MR. BLEGEN: Judge, we will call Mr. Robinson.

5 THE COURT: All right. Mr. Robinson, come on up.
6 Mr. Robinson, I am going to ask you before you sit down
7 to raise your right hand.

8 (WHEREUPON, the witness was duly
9 sworn.)

10 THE COURT: Thank you. You can take a seat, sir.

11 When you're ready, Counsel, you can go ahead.

12 ALLEN ROBINSON,
13 called as a witness herein, having been first duly
14 sworn, was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. BLEGEN:

17 Q. Sir, could you please state and spell your
18 first and last name for the court reporter?

19 A. Allen Robinson, A-L-L-E-N, R-O-B-I-N-S-O-N.

20 Q. And how old are you?

21 A. 34.

22 Q. And you currently reside in the Department of
23 Corrections?

24 A. Yes, sir.

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1 Q. Prior to the trial of your case, did you tell
2 or ask your trial counsel to speak with any potential
3 witnesses?

4 A. Yes.

5 Q. Did you ask your trial counsel to speak with
6 Jenee Moreland?

7 A. Yes.

8 Q. What did you tell your trial counsel as best
9 you can recall why Ms. Moreland would be an important
10 witness?

11 A. Because she was in the car with Lamarius
12 pretty much after he did it.

13 Q. Did you tell your counsel that Lamarius had
14 confessed to Ms. Moreland?

15 A. Yes.

16 Q. And how did you know that information?

17 A. Jenee told me.

18 Q. Did you ask your trial counsel to speak with
19 Quentin Davis?

20 A. Yes, I did.

21 Q. Why?

22 A. Because he was with Lamarius pretty much
23 after he did it and confessed to him that he did it.

24 Q. Was there an occasion where you and Lamarius

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1 got in an argument at Quentin's grandmother's home?

2 A. Yes.

3 Q. And was Quentin present for that?

4 A. Yes.

5 Q. Did he essentially have to put the two of you
6 out of the house?

7 A. Yes.

8 Q. I take it you are familiar with the letter
9 that is signed at least in Lamarius Robinson's name
10 there is a spot where he said I licked this so my DNA
11 would be on it. Do you know how your lawyer came to
12 get that letter?

13 A. Yes.

14 Q. How?

15 A. I had called him and told him I needed to see
16 him so he came to Cook County and seen me and I gave
17 him a letter.

18 Q. And maybe this wasn't necessary but did you
19 explain the significance of the letter to your lawyer?

20 A. Yeah, he read it.

21 Q. Did you indicate whether anybody was familiar
22 with Lamarius' handwriting?

23 A. Yes.

24 Q. To your lawyer?

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1 A. Yes.

2 Q. Who?

3 A. I told him that Quentin Davis and Jenee
4 Moreland.

5 Q. What about yourself, did you tell him?

6 A. Yeah, myself too.

7 THE COURT: Just so I'm clear, you talked to
8 Lamarius, and you told Lamarius to come and see you.

9 THE WITNESS: No.

10 THE COURT: You told your lawyer to come and see
11 you?

12 THE WITNESS: My lawyer came to see me.

13 THE COURT: Okay. That Lamarius had mailed the
14 letter to you.

15 THE WITNESS: Mailed the letter to me, yes.

16 THE COURT: All right.

17 MR. BLEGEN: Thank you, Judge. I am sorry if that
18 was confusing.

19 THE COURT: All right.

20 BY MR. BLEGEN:

21 Q. Just so the record is clear, it's your
22 understanding that Lamarius sent the letter to you
23 while you were in the County Jail, correct?

24 A. Yes.

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1 Q. And then you asked your lawyer to come to see
2 you so you could talk to him about the letter?

3 A. Yes.

4 Q. And did you get a copy of the letter to your
5 lawyer?

6 A. I gave it to him. I gave him the original
7 copy.

8 Q. Did you tell your lawyer at the time anything
9 about your mother and testimony that she could provide?

10 A. Yes.

11 Q. What did you tell your lawyer?

12 A. I told him that my mother knew that I was at
13 her job at the time because I had to pick her up at
14 9:00 o'clock. I went in and told her that I was
15 outside, and she told me she had to stay a little
16 longer and I waited outside for her.

17 Q. So there came a point in time in your
18 trial -- let me start over.

19 Did there come a point in time in your trial
20 where you realized that your lawyer was not going to
21 call any of these witnesses that you suggested to him?

22 A. Yes, and I was kind of upset. He said that
23 he didn't need to call them because he will win the
24 case without them.

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1 Q. Did you and your lawyer have any discussions
2 about the letter from Lamarius Robinson, the one where
3 he circles a spot and says he licked it after Lamarius
4 took the Fifth Amendment, do you recall that first off?

5 A. I kind of recall that.

6 Q. Did you have any discussions with your lawyer
7 after that?

8 A. You talking about after the trial?

9 Q. Let me start over. Terrible questions.
10 Do you recall at a point in your trial it
11 became clear that Lamarius Robinson was going to not
12 testify about that letter?

13 A. Yeah, I did.

14 Q. And did you have a discussion with your
15 lawyer after it became clear that Lamarius was not
16 going to testify about the letter?

17 A. I told him -- like I really don't understand
18 what you are asking.

19 THE COURT: I think what he's saying is, you
20 remember being in court and Lamarius was here.
21 Everybody saw him.

22 THE WITNESS: Yeah.

23 THE COURT: And he, in fact, took the stand but
24 not in front of the jury.

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1 THE WITNESS: Yes, I remember.

2 THE COURT: He got a lawyer appointed to him
3 because the allegation was he might have been involved
4 in this?

5 THE WITNESS: Yes.

6 THE COURT: In the murder himself.

7 THE WITNESS: Yes.

8 THE COURT: Okay. So when he took the Fifth
9 Amendment or he wasn't going to testify -- well, first
10 of all, on the stand he did say, did he not, that he
11 didn't do the murder, right? Did he say that or am I
12 wrong or he didn't write the letter?

13 MS. WALLS: You asked him directly, Lamarius,
14 directly if he wrote the letter and he said no.

15 THE COURT: Okay. That's what I mean.

16 So you heard Lamarius say he didn't write the
17 letter, right?

18 THE WITNESS: Yes.

19 THE COURT: And then he wasn't going to testify,
20 so your lawyer wants to know, once that went down in
21 the courtroom, what did you and your lawyer talk about
22 with respect to Lamarius? Is that what you're asking
23 him?

24 MR. BLEGEN: Yes. Maybe I can be more pointed

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1 about it.

2 THE COURT: Okay.

3 BY MR. BLEGEN:

4 Q. At that time did your lawyer ask you, do you
5 know anyone who knows his handwriting?

6 A. Yes.

7 Q. And what did you tell him?

8 A. I told him Quentin Davis and Jenee Moreland,
9 and I knew it too. I knew that was his handwriting.

10 Q. Did you ever get an explanation from your
11 lawyer as to why he didn't call any of those people to
12 authenticate the handwriting?

13 A. No.

14 MR. BLEGEN: That's all, Judge.

15 THE COURT: Any cross-examination?

16 MS. WALLS: No, Judge.

17 THE COURT: All right. You may step down.

18 Any further witnesses for the defense?

19 MR. BLEGEN: No other witnesses, Judge.

20 THE COURT: So the defense is resting on the
21 petition?

22 MR. BLEGEN: Before we rest, you may have said
23 that they were admitted. I don't recall but can we
24 move to admit all of the exhibits attached to the

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1 petition and to supplements?

2 THE COURT: Counsel for the record for the State,
3 you've got no objection to these items being admitted,
4 is that correct?

5 MS. WALLS: No, Judge. No objection.

6 THE COURT: All right. With that, you are
7 resting?

8 MR. BLEGEN: Yes.

9 THE COURT: State, I presume from our earlier
10 discussions that you are not putting forth any evidence
11 on your end, is that correct?

12 MS. WALLS: That's correct, Judge. On the issue
13 of ineffective assistance of trial counsel, we are not
14 opposing the post-conviction petition. I have called
15 trial counsel several times, he is no longer working.
16 He is retired and living out of the state. He's never
17 returned my phone calls.

18 THE COURT: So you -- I would say it's highly
19 unusual in a post-conviction to not have the input of
20 the trial attorney. It's highly regular to have an
21 ineffective assistance of counsel issue. That's not
22 unusual in a post-conviction proceeding, but what's
23 highly unusual is not to have the attorney of record
24 weigh in in some fashion. So you've never been able to

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1 speak with him at all?

2 MS. WALLS: No, Judge.

3 THE COURT: Did he refuse to talk to you or he
4 just never returned a phone call?

5 MS. WALLS: He's never returned my phone calls,
6 Judge. I never spoke to him.

7 THE COURT: Were any investigators ever sent to
8 try and find him?

9 MS. WALLS: We know where he is, Judge. It's not
10 a matter of us not knowing where he is. He's never
11 cooperated with our office on this. We have no
12 opposition on the ineffectiveness claims with regards
13 to that.

14 I will also point out the location of where
15 Ms. Fleming works, that Dominick's, is seven and a half
16 miles from the location of the shooting -- sorry, 7.8
17 miles from the location of the shooting. The
18 information in the post-conviction petition, there is
19 an affidavit that has been entered from the co-worker,
20 Ms. Ethel Lewis that has also corroborated what Ms.
21 Fleming has said that her son Allen Robinson was there
22 at 9:00 o'clock to pick her up, which puts Allen
23 Robinson at that location almost eight miles away from
24 the shooting at 9:00 o'clock. According to the

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1 reports, the shooting occurred at 9:10 p.m.

2 THE COURT: All right. Thank you, Counsel, and I
3 also want to talk a little bit beyond just strict
4 ineffective assistance of counsel issue, and that is
5 that this case obviously is a very serious case. All
6 post-convictions are, but you can't get a more serious
7 case than first degree murder without question. And
8 this was in your Conviction Integrity Unit. The
9 defense had presented these allegations specifically
10 the Lamarius -- I will call it the Lamarius letter
11 allegations, the defense had identified Lamarius as
12 their suspect and that was in your unit for a very
13 significant period of time. As I said, I think
14 22 months was the time frame that it was there, and
15 throughout the pendency of that time, there was related
16 to the Court in any event on the record and I will go
17 through it, while it was in your CIU Unit and that's
18 purported to be at least as it's been explained to the
19 Court, it's walled off from the Post-Conviction Unit,
20 is that an accurate statement?

21 MS. WALLS: Yes, they look at different issues.

22 THE COURT: They look at whether there is an
23 actual innocence claim, and that's separate and apart
24 from you proceeding on a post-conviction, correct?

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1 MS. WALLS: Correct. Yes.

2 THE COURT: And I'm showing that that came in, it
3 was filed on 7/10 of 2014, and the case went to the
4 Conviction Integrity Unit about six months later. It
5 was just with the regular Post-Conviction Unit, and
6 then it was sent on 1/15 of '15 to the Conviction
7 Integrity Unit. Then there was a filing of the
8 supplemental petition, but this was all with the CIU
9 Unit appearing in court and weighing in.

10 The State was looking into as early as 12/8
11 of '15, the DNA on a letter from Lamarius Robinson, and
12 then we went on holding it over for DNA updates
13 3/24/16, DNA updates, witness interviews, phone record
14 investigation, at least that's the notes what was
15 placed of record.

16 On 5/12 of '16, I was told biology was done.
17 There had been a DNA analyst assigned. Update on a
18 police witness that they were attempting to interview.
19 Then I was told on 7/28 of '16 the CIU Unit
20 investigation was complete, and we had another few
21 court dates for 4-17 materials and one last interview
22 it sounded like and then on 11/10 of '16, the CIU Unit
23 after looking at the letter with Lamarius, which is at
24 issue here, sent it back to the Post-Conviction Unit

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1 and their finding, which is obviously the Court is not
2 bound by, but their finding was no actual innocence was
3 involved after that what appeared to be an extensive
4 investigation.

5 MS. WALLS: Well, Judge, I don't know if on that
6 last court date that was stated in court according to
7 the half sheet ASA Barbara Plitz was in court on that
8 day. She was from the Post-Conviction Unit. Just
9 according to the half sheet, it indicates that the PC
10 was given back to the Post-Conviction Unit.

11 I don't know if anyone from the CIU Unit was
12 present in court on that day or made any findings on
13 the record as to their investigation.

14 THE COURT: Well, presumably you would agree with
15 me that regardless of what exact words came out of
16 somebody's mouth, that when the CIU Unit completes an
17 investigation and puts it back in your lap, they have
18 not found actual innocence, is that accurate?

19 MS. WALLS: It could be, Judge. I don't know what
20 their basis was for giving it back to us. I did not
21 get the case until after that. I don't know what their
22 basis was to giving it back to us but --

23 THE COURT: Let me ask the defense then. If you
24 are not going to give me that, I will ask the defense.

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1 Ms. Garvey, I presume that you were in close
2 contact with the attorney on the CIU Unit during all
3 these dates as they were pursuing the investigation,
4 you requested of Lamarius' letter, I will call it,
5 correct? And what was their position when they told
6 you they are giving it back to the regular
7 Post-Conviction Unit?

8 MS. GARVEY: First of all, I didn't request CI to
9 get involved in this case.

10 THE COURT: Okay. Thank you for that correction.

11 MS. GARVEY: It was early on in the formation of
12 that Unit, and apparently they were taking any
13 post-conviction at that time that alleged actual
14 innocence so I did not ask them to get involved.

15 THE COURT: All right. Thanks for that
16 correction.

17 MR. GARVEY: And at the end after they had
18 interviewed all of my witnesses, I was merely told,
19 yeah, we are not doing anything in this case.

20 THE COURT: Did you as a lawyer who practices in
21 this field, did you take that to mean -- although I am
22 sure you disagreed with it strongly -- but did you take
23 that to mean that their finding was of no actual
24 innocence, and it was just going to go back to the

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1 regular PC route and you could fight it out in court?

2 MR. GARVEY: My understanding was that their
3 definition of actual innocence is a much higher
4 standard. Basically I would have had to have video
5 evidence of Mr. Robinson at the Dominick's at the time
6 of the shooting in order for me to convince them that
7 he was actually innocent.

8 A third-party confession is not going to meet
9 their requirements. They are going to look for DNA.
10 They are going to look for videos of somebody in a
11 completely different country or location. That's my
12 professional opinion of how they determine actual
13 innocence. So I don't take that to mean that he is not
14 actually innocent that they concluded.

15 THE COURT: Well, I know you're not agreeing --
16 let's be clear, I know that you are not in agreement
17 with whatever their assessment was most certainly
18 but --

19 MR. GARVEY: My position is their standard for
20 actual innocence is far and above anything that most
21 lawyers can meet.

22 THE COURT: All right. And what additional -- so
23 at that point it went back to the Post-Conviction Unit
24 which was defending the case and now that's changed.

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1 What else has changed since it went from the
2 CIU Unit back to the regular Post-Conviction Unit,
3 Ms. Walls, what's changed?

4 MS. WALLS: Judge, we have done additional
5 investigation.

6 THE COURT: Who have you interviewed and found out
7 information that the CIU Unit didn't have? What
8 happened?

9 MS. WALLS: Judge, I'm not at liberty to put that
10 on the record.

11 THE COURT: What part are you're not at liberty to
12 put on the record?

13 MS. WALLS: I will not go into the extent and the
14 results of our investigation on the record, your Honor.

15 The actual innocence claim is with regards to
16 Oscar Russell that's currently pending. The
17 information in the hearing that you received today is
18 all with regards to ineffective assistance of trial
19 counsel. And as your Honor will see when you read the
20 exhibits, the DNA testing is in those exhibits and did
21 indicate that Lamarius Robinson was a contributor to
22 the letter.

23 THE COURT: Okay. All right. I will take it
24 under advisement and go through your exhibits.

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1 Are you free on Monday? There is no
2 additional record, I take it, that you wish to make,
3 State?

4 MS. WALLS: No, Judge.

5 MR. BLEGEN: Judge, we will make ourselves
6 available.

7 THE COURT: Monday or Tuesday.

8 MR. BLEGEN: Let's do it Monday. I don't know if
9 both of us will be able to be here.

10 THE COURT: We could do any day next week. I just
11 don't need an incredible amount of time is my point.

12 MS. WALLS: Tuesday.

13 MR. BLEGEN: Actually Monday is better for me.
14 Unfortunately Tuesday I'm tied up in the morning.

15 THE COURT: We can do it in the afternoon. We can
16 do it at 11:00, 12:00, 1:00.

17 MS. WALLS: I am fine. I can do Monday afternoon
18 or Tuesday morning or even Thursday after 11:00.

19 MR. BLEGEN: Can we do early afternoon on Monday?

20 THE COURT: Pick a time, yes.

21 MR. BLEGEN: 11:00.

22 THE COURT: All right. Monday at 11:00. All
23 right. By agreement held on call, Monday's date is
24 5/2.

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1 As to IDOC, if we write the date May 2nd on
2 the paperwork that you brought with him, the mittimus,
3 will that bring him to us or does there have to be some
4 other phone call made?

5 DEPUTY SHERIFF: That should bring him.

6 THE COURT: Okay. All right. We'll see everybody
7 at Monday at 11:00.

8 (Which were all the proceedings had
9 in the above-entitled cause.)

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1 STATE OF ILLINOIS)
2)
3 COUNTY OF C O O K)

4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
5 COUNTY DEPARTMENT - CRIMINAL DIVISION

6 I, CATRICE M. PRINCE, CSR No. 084-3765
7 an Official Court Reporter for the Circuit Court
8 of Cook County, County Department, Criminal
9 Division, do hereby certify that I reported in
10 shorthand the proceedings had at the hearing in
11 the aforementioned cause; that I thereafter caused
12 the foregoing to be transcribed into typewriting,
13 which I hereby certify to be a true and accurate
14 transcript taken to the best of my ability of the
15 Report of Proceedings had before the HONORABLE
16 MARY M. BROSNAHAN, Judge of said court.

17 
18 _____

19 Official Court Reporter
20 Illinois CSR License No. 084-3765

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22
23 Dated this 18th day of August, 2022.
24